

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LIANG YANG, Individually and on Behalf of	:	Civil Action No. 1:21-cv-01047-FB-RLM
All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	NOTICE OF MOTION FOR
vs.	:	APPOINTMENT AS LEAD PLAINTIFF
	:	AND APPROVAL OF LEAD PLAINTIFF'S
TRUST FOR ADVISED PORTFOLIOS,	:	SELECTION OF LEAD COUNSEL
INFINITY Q CAPITAL MANAGEMENT,	:	
LLC, CHRISTOPHER E. KASHMERICK,	:	
JOHN C. CHRYSTAL, ALBERT J. DIULIO,	:	
S.J., HARRY E. RESIS, RUSSELL B.	:	
SIMON, LEONARD POTTER, and JAMES	:	
VELISSARIS,	:	
	:	
Defendants.	:	
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TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that, on a date and at a time designated by the Court, Schiavi + Company LLC DBA Schiavi + Dattani (“Schiavi and Dattani”) will respectfully move this Court, pursuant to the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), before the Honorable Frederic Block at the United States District Court for the Eastern District of New York, located at 225 Cadman Plaza East, Brooklyn, New York, 11201, for entry of an order appointing Schiavi and Dattani as Lead Plaintiff and approving its selection of Robbins Geller Rudman & Dowd LLP and Boies Schiller Flexner LLP as Lead Counsel for the proposed class.¹ In support of this Motion, Schiavi and Dattani submits the accompanying Memorandum of Law, the Declaration of David A. Rosenfeld, and a [Proposed] Order.

DATED: April 27, 2021

ROBBINS GELLER RUDMAN
& DOWD LLP
SAMUEL H. RUDMAN
DAVID A. ROSENFELD

s/ David A. Rosenfeld

DAVID A. ROSENFELD

¹ Counsel for Schiavi and Dattani is aware of this Court’s requirement that motion-related papers are not to be filed until the entire motion is fully briefed. However, the PSLRA requires any class member, regardless of whether they filed a complaint, to file a motion no later than 60 days after publication of the notice. *See* 15 U.S.C. § 78u-4(a)(3)(A). The notice in this case was published on February 26, 2021, and all motions are statutorily due by April 27, 2021. Accordingly, to comply with the PSLRA, counsel respectfully requests waiver of compliance with Your Honor’s requirement in this narrow instance. In addition, because of the PSLRA’s procedure whereby any “purported class member . . . including any motion by a class member who is not individually named as a plaintiff in the complaint” may file a motion for appointment as lead plaintiff, 15 U.S.C. § 78u-4(a)(3)(B)(i), counsel for Schiavi and Dattani will not know which other class members, if any, will seek appointment as lead plaintiff until after motions are filed on April 27, 2021. Consequently, counsel for Schiavi and Dattani respectfully requests that the conferral requirement also be waived.

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[Proposed] Lead Counsel for [Proposed] Lead
Plaintiff

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on April 27, 2021, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ DAVID A. ROSENFELD

DAVID A. ROSENFELD

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Mailing Information for a Case 1:21-cv-01047-FB-RLM Yang v. Trust for Advised Portfolios et al

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)